

REMARKS

Claims 1-15 are pending in this application, of which claims 13-15 are newly-added.

Claims 1-12 stand rejected 35 U.S.C. § 102(b) as anticipated by Shirasaki et al.

Applicant respectfully traverses this rejection.

The Examiner again urges that the sending/receiving unit 3 of Shirasaki et al. is a “means for querying,” and the Examiner equates the ability to “send a signal” with the ability to “query and request transaction data” from the store server, as recited in claim 1 of the instant application. The Examiner also states:

Further, the Examiner reminds Applicant that while features of an apparatus may be recited either structurally or functionally, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function. Further, an apparatus claim covers what a device is, not what a device does (MPEP 2114). As such, Shirasaki et al. need only teach the capability to send a query (e.g., signal sending/receiving device) to anticipate Applicant’s apparatus claims. (Sic.)

Applicant respectfully disagrees. The ability to “send a signal” does not equate to a “query (or request) for transaction data,” as recited in claim 1. The signal which is sent in Shirasaki et al. could be anything, and there is no suggestion that it is specifically any type of query or request, much less the specific query or request for transaction data, as specifically recited in claim 1 of the instant application.

This argument was presented to the Examiner in a telephonic interview conducted April 10, 2006. Among other things, the Examiner indicated that it should be pointed out that claim 1 is in means-plus-function form, reciting a “means for querying,” so that 35 U.S.C. § 112, sixth

paragraph, should be invoked and structure corresponding to such means should be specifically located and identified in the specification.

Accordingly, it should be noted that FIG. 6 is a block diagram showing one embodiment of each POS terminal 11a,...11j shown in FIG. 4. Transaction query means 21 is a means for querying the server 10 for the transaction to be canceled when the transaction is one registered through a POS terminal POS(j) which is not the querying POS terminal, and has the function of transmitting a transaction data query message (1) to the server 10 and receiving a transaction data response message (2) from the server 10, as disclosed on page 9, paragraph [0030] of the specification.

Thus, the 35 U.S.C. § 102(b) rejection should be withdrawn.

In view of the aforementioned amendments and accompanying remarks, claims 1-15, as amended, are in condition for allowance, which action, at an early date, is requested.

If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact Applicant's undersigned attorney at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

U.S. Patent Application Serial No. 09/976,153
Response to Office Action dated December 28, 2005

In the event that this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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